

FILED
IN THE UNITED STATES DISTRICT COURT CLERKS OFFICE
FOR THE DISTRICT OF MASSACHUSETTS

2005 JAN 26 P 1:38

CHRISTOPHER PAUL CONLIN,

Plaintiff,

v.

EQUIFAX CORPORATION, *et al.*,

Defendants.

U.S. DISTRICT COURT
DISTRICT OF MASS.

C.A. No: 04 12600 NMG

ANSWER AND AFFIRMATIVE DEFENSES OF DEFENDANT, TRANS UNION LLC

Trans Union LLC ("Trans Union"), by and through its undersigned attorneys, Answers Plaintiff's Complaint as follows:

PARTIES

1. Upon information and belief, admits the allegations.

2-3. No responsive pleading required for allegations directed toward parties other than Trans Union.

4. Denies the allegations, except admits only that Trans Union is a Delaware limited liability company, headquartered in Chicago, Illinois.

JURISDICTION

5. Trans Union does not dispute jurisdiction.

FACTS

6. Denies Plaintiff's characterization of documents which speak for themselves and denies knowledge or information sufficient to form a belief as to the truth of the remaining allegations.

7. Denies reporting information pertaining to Plaintiff in violation of the Fair Credit Reporting Act, 15 U.S.C. §1681, *et seq.* ("FCRA") or other laws and denies knowledge or information sufficient to form a belief as to the truth of the allegations concerning Plaintiff's beliefs and credit applications.

8. Denies reporting information pertaining to Plaintiff in violation of the FCRA or other laws.

9. Denies failing to investigate Plaintiff's disputes in violation of the FCRA or other laws.

10. Denies the allegations, denies reporting information pertaining to Plaintiff in violation of the FCRA or other laws, denies failing to investigate Plaintiff's disputes in violation of the FCRA or other laws, denies failing to disclose Plaintiff's credit file in violation of the FCRA or other law, denies causing Plaintiff harm for which he is entitled to relief, and denies knowledge or information sufficient to form a belief as to the truth of the remaining allegations.

WHEREFORE, Defendant Trans Union LLC demands judgment dismissing Plaintiff's complaint with prejudice, and awarding it such additional relief as the Court deems just and proper.

FIRST AFFIRMATIVE DEFENSE

The complaint fails to state a claim for which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

Defendant TransUnion has, at all material times with respect to plaintiff, acted in good faith and complied fully with the FCRA and relevant state laws.

THIRD AFFIRMATIVE DEFENSE

Based upon the averments upon which Plaintiff's claim is made, defendant Trans Union is immune from suit under the FCRA.

FOURTH AFFIRMATIVE DEFENSE

Any harm suffered by Plaintiff was not caused by any act or omission of defendant Trans Union.

FIFTH AFFIRMATIVE DEFENSE

Any harm suffered by Plaintiff was caused by Plaintiff's own conduct or the conduct of third parties over which Trans Union has no control or authority.

SIXTH AFFIRMATIVE DEFENSE

With respect to Plaintiff, Trans Union's conduct and the alleged communications were entirely privileged and/or true.

SEVENTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred by the doctrines of laches, unclean hands, waiver and estoppel.

EIGHTH AFFIRMATIVE DEFENSE

The claims contained in the complaint, which seek to recover punitive damages, violate the Fourth, Fifth, Sixth, Eighth and Fourteenth Amendments to the Constitution of the United States of America.

NINTH AFFIRMATIVE DEFENSE

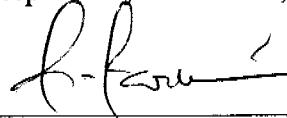
Plaintiff's claims are barred by the applicable statutes of limitations

TENTH AFFIRMATIVE DEFENSE

Trans Union reserves the right to raise additional defenses it learns through the course of discovery.

WHEREFORE, Defendant Trans Union LLC demands judgment dismissing Plaintiff's complaint with prejudice, and awarding it such additional relief as the Court deems just and proper.

Respectfully Submitted,



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*Counsel for Defendant,
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DATED:

1/26/05